

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>4-14-05</u>		2 Serial/Patent # <u>10/722/93</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			\$
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	Extension of Time			\$
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	Petition		11-8-04	\$ 170
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TYPED/PRINTED NAME: <u>Karen Creasy</u>		TITLE: <u>Ret. Exm.</u>		
SIGNATURE: <u>Karen Creasy</u>		PHONE: <u>272-3208</u>		
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APPROVED: <u>Olivia Kelly</u>		DATE: <u>4-15/05</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Attorney Docket No.: 5649-1225

THE DAE
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Byeong-chan Lee et al.

Serial No.: 10/722,193

Filed: November 26, 2003

For: INTEGRATED CIRCUIT DEVICES HAVING BURIED INSULATION LAYERS
AND METHODS OF FORMING THE SAME

Confirmation No.: 6744

November 5, 2004

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO GRANT A FILING DATE FOR A COMPLETE NON-PROVISIONAL
APPLICATION**

Sir:

In response to the Notice of Incomplete Non-Provisional Application, Applicant hereby petitions to assign the filing date of November 25, 2003, for the above-identified patent application as this was the date the Application (including the 20 formal drawing sheets) was deposited as "Express Mail" in the U.S. Postal Service (USPS). The following is enclosed as evidence of November 25, 2003 being the filing date for the application which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing that 20 formal drawing sheets were included and the Express Mail signature and date on Page 2;
2. A true and accurate copy of a printout from www.usps.com with a tracking status that the package was **delivered** on November 26, 2004;
3. A true and accurate copy of 20 formal Drawing sheets included with the Application; and
4. A true and accurate copy of our return post card indicating that the Application was received by the USPTO and included 20 formal drawing sheets with the application.

This petition is being filed promptly after Applicant became aware that no filing date has been granted as indicated in the Notice of Incomplete Non-Provisional Application. Applicant respectfully requests the granting of November 25, 2003 as the filing date in view of that the Application was mailed with all required parts including the Drawings. Although the USPS did not complete the "date in" box on the Express Mail receipt (through no fault of Applicant), the tracking status print out evidences that the complete Application was mailed via Express Mail on November 25, 2003, as the USPTO received the same on November 26,

11/09/2004 HRL111 00000016 500220 10722193
01 FC:1460 130.00 DR

Adjusted date: 04/15/2005
11/09/2004 HRL111 00000016 500220 10722193
01 FC:1460 130.00 DR

2003 (i.e., one day after Applicant mailed the Application). Accordingly, Applicant respectfully requests the granting of November 25, 2003 as the filing date.

The Commissioner is authorized to charge the required fee of \$130 to Deposit Account No. 50-0220 for consideration of the present petition. However, Applicant concurrently hereby petitions for a refund of the petition fee (\$130) on the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505. Thus the need to file this petition is due to error on the part of the USPTO. The Commissioner is authorized to charge any deficiency, credit any overpayments or refunds to Deposit Account No. 50-0220.

Respectfully submitted,



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Certificate of Mailing under 37 CFR 1.8 (or 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 5, 2004.



Audra Wooten